

Before the  
POSTAL REGULATORY COMMISSION  
WASHINGTON, DC 20268-0001

Cardwell Post Office  
Cardwell, Montana

Docket No. A2012-101

PUBLIC REPRESENTATIVE REPLY COMMENTS  
SUPPORTING REMAND  
(March 2, 2012)

After careful review of the Postal Service's Final Determination, the materials in the Administrative Record, the arguments presented by Petitioner, and the Postal Service's comments, the Public Representative concludes that the Postal Service has not followed applicable procedures. The decision to close the Cardwell Post Office is also arbitrary and capricious, and the Postal Service's decision is not supported by substantial evidence.

*Failure to follow proper procedure.* The Postal Service posted its Proposal to close the Cardwell Post Office and Invitation to comment at the Administrative Post Office (Whitehall, MT) more than three months after it posted the Proposal and Invitation at Cardwell.<sup>1</sup> The Final Determination to close the Cardwell Post Office was posted at Cardwell and Whitehall three weeks *before* the comment period was due to end at the Whitehall office.<sup>2</sup> It does not appear that Whitehall customers had an adequate opportunity to comment on the proposal to close Cardwell.

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<sup>1</sup> The Proposal was posted at Cardwell on June 27, 2011. Administrative Record (AR), Item 36, at 1. The Proposal was posted ("reposted") at Whitehall on October 6, 2011. *Id.* at 3. However, the round date stamps on the Proposal and Invitation to comment are illegible. *See id.* at 4-5.

<sup>2</sup> The Final Determination (FD) was posted at Cardwell and Whitehall on November 16, 2011. *See* AR, Item 49, at 1-2. The 60-day comment period was scheduled to end at Whitehall on December 7, 2011.

*Inadequate consideration of effective postal services.* The Cardwell Post Office serves 55 box customers. FD at 2. The Whitehall Post Office has 46 boxes available. *Id.* There are other Post Offices in the area—Three Forks, Willow Creek, and Harrison—but the record does not indicate how many boxes are available at those offices. Also, Willow Creek is on the RAOI list, and some of its box customers may seek box service at Whitehall. The Postal Service has not considered whether it can meet the demand for Post Office Box service at Whitehall.

The Postal Service states that stamps are “available at many stores and gas stations . . . .”<sup>3</sup> However, a search at [https://tools.usps.com/go/POLocatorAction\\_input?address=59721](https://tools.usps.com/go/POLocatorAction_input?address=59721) reveals that there are no “Approved Postal Providers” within 20 miles of Cardwell. The Postal Service states that “customer convenience may be enhanced upon” closing the Cardwell Post Office. Postal Service Comments at 6. The “enhanced” conveniences include 24-hour access to mail, availability of stamps and money orders from the carrier, freedom from making “a special trip to the Post Office,” and home delivery in hardship cases. *Id.* at 6-7. But these conveniences have always been available to the Cardwell community. And at least 55 members of the community (the PO Box customers) prefer going to the Post Office over the convenience of carrier delivery. The notion that closing a Post Office “enhances” convenience and actually makes customers better off is ludicrous.

*Inadequate consideration of economic savings.* There are two errors in the calculation of the cost of replacement service. The number of “Centralized boxes” is shown as 4.00 but should be 55. The number of CBUs to be installed may be four, but the total number of boxes to be added is 55. See AR, Item 17, Line 3. The “rural cost per hour” is incorrect. The cost is supposed to be taken from “national payroll summary report—rural carrier, Line 45, Str Sal/Ben Cost per Total Wk Hr.” *Id.*, Line 7. However, the number shown is actually rural carrier, Line 1, Straight Time Hours.

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*Id.*, Item 36, at 3. Thus, the Proposal and the Final Determination were posted simultaneously at Whitehall.

<sup>3</sup> United States Postal Service Comments Regarding Appeal, February 15, 2012, at 8 (Postal Service Comments).

Respectfully submitted,

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